

THE HONORABLE THOMAS S. ZILLY

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

LVB-OGDEN MARKETING, LLC,
Plaintiff,

v.

DAVID S. BINGHAM, SHARON
BINGHAM, CHRISTOPHER BINGHAM,
CHERISH BINGHAM, KELLY BINGHAM,
BINGO INVESTMENTS, LLC, CCRB
ENTERPRISES, LLC, SKBB
ENTERPRISES, LLC, PARK PLACE
MOTORS, LTD., HYTECH POWER, INC.,
HENRY DEAN, in his individual capacity and
as Trustee for the SHARON GRAHAM
BINGHAM 2007 TRUST, and BGH
HOLDINGS, LLC,

Defendants.

No. 2:18-CV-00243

JOINT STATUS REPORT

JOINT STATUS REPORT

No. 2:18-CV-00243-TSZ

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Pursuant to the Court's Order (ECF No. 194), Plaintiff and Defendants submit the following Joint Status Report. Plaintiff and Defendants set forth their positions regarding the Proposed Case Management Order below:

PLAINTIFF'S POSITION

A. Resolution of The Remaining Claims

LVB has worked diligently to abide by the Court's scheduling order, and has now (i) taken depositions of the key witnesses, which have confirmed and bolstered the strength of its remaining claims; (ii) produced all outstanding documents and discovery responses; and (iii) served its forensic accountant's report, which also bolsters the strength of LVB's remaining claims. Yesterday, the Court also granted LVB's motion to compel for the remaining documents and discovery responses needed from Defendants. ECF 178. LVB is well-positioned to try all of its remaining claims, and is prepared to do so.

That said, the Court's rulings to date have been very helpful in expediting resolution of the pending proceedings between LVB and Defendants. LVB and the Court have already devoted a great deal of time and expense to fully briefing and resolving summary judgment motions in two related proceedings. ECF No. 182¹; Case No. 18-cv-786, ECF 40. This includes the Court's ruling in this proceeding as to the seizability of certain assets from the 2007 Trust (ECF 182) and the Court's ruling in Case No. 18-cv-786 as to the money of Sharon Bingham sitting in the accounts of the former Fisher Trusts. *Id.* The remaining impediment has been Defendants' refusal to accept and abide by these rulings. If the Court were to simply deny the pending motions for reconsideration in the two proceedings, then each of the pending matters before the Court should promptly resolve. This is true for at least two reasons:

First, the Court's existing summary judgment ruling in this proceeding already permits LVB to execute upon many important assets of the 2007 Trust that were at issue. ECF 182. This

¹ The next business day after the Court's Order, LVB applied to this Court for writs of execution. *See* Case No. 2:18-mc-00128.

1 ruling has already been helpful in significantly narrowing the case, and avoiding the need to
2 pursue alternative theories of recovery for these assets. Critically however, instead of accepting
3 the Court's order, LVB learned today that, as noted in Defendants' position below, *when they*
4 *received the Court's order on LVB's summary judgment motion they immediately embarked on*
5 *a scheme to sell off those assets to circumvent the order.* See Defs.' Position at A. Presumably to
6 delay enforcement of the Court's order, the Trustee and the Bingham's filed a motion for
7 reconsideration—which they apparently now want the Court to deny so they can proceed with
8 these fraudulent transfers. *Id.* That the Trustee would go to such brazen lengths to continue to
9 divert assets and circumvent the Court's order is the reason the parties find themselves here today.
10 LVB will pursue all the remedies necessary against the culpable parties to address this ongoing
11 fraud. In the interim, LVB requests that the Court immediately enter a freeze order preventing the
12 transfer of the assets subject to the Court's summary judgment order.

13 In addition, for many of the remaining assets not already subject to the Court's order, the
14 Trustee has also—as LVB feared—abused the courtesy that the Court granted him in declining to
15 enter a preliminary injunction by diverting funds and winnowing the SGB 2007 Trust down to the
16 point where the Trustee recently testified under oath on December 14, 2018 that the Trust “has no
17 money.” Ex. A (Dean Dep. Tr.). Again, LVB will pursue appropriate relief for these abuses, and
18 will try its remaining claims against the culpable parties if necessary.

19 **Second**, the same considerations apply to the other remaining defendants: Henry Dean in
20 his individual capacity, BGH Holdings, and HyTech Power. Mr. Dean testified that he spent the
21 millions of dollars he diverted from the Trust accounts to his personal accounts, which could
22 include his BGH Holdings accounts. Ex. A.² He also testified that Defendant HyTech Power is
23 now in dire financial straits despite receiving over \$200,000 in funds diverted from Trust accounts.
24 *Id.* This claim will be addressed in the forthcoming deposition of HyTech ordered by the Court on
25
26

² Responding “I spent it” to the vast sums of money diverted from Trust accounts.

1 December 28, 2018. ECF 205.³ Again, LVB will try these claims if necessary, and is well-
2 positioned to do so. LVB is hopeful, however, that the Court's existing rulings will make that
3 unnecessary.

4 Should private mediation, or further discussions between the parties themselves, be
5 helpful, LVB is always willing to discuss those avenues to further expedite final resolution. LVB
6 has been willing from the outset of this case, and remains willing, to engage in good faith
7 settlement negotiations. That said, to date, Defendants' refusal to accept the Court's rulings,
8 Defendants' abuse of the lack of a freeze order, and Defendants' diversion of assets subject to
9 Court orders, are obvious hurdles to settlement.

10 **B. Trial Readiness & Length**

11 If a trial is necessary, the parties and the Court would have to promptly address the
12 diversion of assets noted above and the effect of Defendants' failure to date to participate in
13 discovery. In specific, Defendants will have to fully comply with yesterday's ruling on LVB's
14 motion to compel, which addressed: (i) the failure of most of the Defendants in this case to search
15 for, collect, or produce any documents, including Park Place Motors, HyTech Power, and the
16 Trustee (in the case of the Trustee, for the period after January 2018); and (ii) the failure of the
17 same Defendants to provide even basic information in response to LVB's interrogatories. ECF
18 178. Furthermore, HyTech Power refused to provide any deposition testimony unless the Court so
19 ordered. ECF 175. The Court so ordered on December 28, 2018, and LVB sent an email the same
20 day attempting to schedule it. Ex. B. Counsel failed to respond for over a week, prompting LVB
21 to send another follow up e-mail, and then a deposition notice with a message noting counsel's
22 failure to respond, but LVB's willingness to work cooperatively on scheduling. It was not until
23 after all of LVB's efforts that counsel for HyTech responded that he would respond to LVB's

24
25 ³ Park Place Motors is already subject to the Court's summary judgment ruling (ECF 182), and must produce
26 documents in response to the Court's order yesterday. If Defendants have attempted or will attempt to transfer
Park Place or its assets to circumvent the Court's summary judgment ruling, LVB may present additional
fraudulent transfer claims to the Court for resolution at trial.

1 request today—despite the fact that the Court ordered HyTech to present a witness by January
2 17th. *Id.* As of the time of this filing, counsel for HyTech has failed to provide a witness’s
3 availability as promised.

4 Once Defendants provide the material the Court ordered, and the HyTech deposition takes
5 place, LVB will need to review the amended answers, documents, and testimony—all of which
6 should have been produced months ago. Should any additional follow-on discovery be necessary,
7 LVB will raise those issues promptly with the Court, and make every effort to take follow-on
8 discovery in a way that will not disturb the existing pre-trial and trial schedule.

9 For its part, as noted above, LVB served all outstanding documents and discovery
10 responses by the discovery cut-off of January 7, 2018. It also served the preliminary expert report
11 of its forensic accountant on that date, and will make its expert available for deposition on the
12 schedule ordered by the Court. If the report needs to be supplemented in response to the discovery
13 Defendants failed to timely provide, LVB will do so promptly to again ensure the parties adhere to
14 the Court’s schedule to the fullest extent possible.

15 Assuming Defendants comply in full with the Court’s discovery orders, LVB is hopeful
16 that pre-trial motions and trial can proceed as currently scheduled, if a trial is necessary. The
17 scope and length of trial will depend in significant part on (i) whether the Court disturbs its
18 summary judgment rulings; and (ii) whether the Court agrees to bifurcate trial on LVB’s First and
19 Second Causes of Action. As LVB proposed in its Supplemental Brief, an abbreviated bench trial
20 could proceed on any remaining aspects of LVB’s First Cause of Action. ECF 143 (Suppl. Br.) at
21 9-12. LVB believes a bench trial of at most two weeks would be sufficient. Given the volume of
22 fraudulent transfers at issue (see Am. Compl. App’x A), the subsequent jury trial, if necessary, on
23 LVB’s Second Cause of Action may require up to four weeks or more.⁴

24
25 ⁴ Two defendants, BGH and Henry Dean (in his individual capacity), have filed a motion seeking a *two week*
26 extension to respond to LVB’s three-page position. ECF 213. Of course, these defendants did not even notify
LVB that they would be filing a motion, in another violation of Local Rule 7(j). The request is absurd on its face,
and should be rejected. That these defendants would spend time drafting and filing a multi-page motion for an

1 **DEFENDANTS' POSITION**

2 The Defendants do not agree with the argumentative statements made in the Plaintiff's
3 Position nor with the argumentative characterization thereof e.g. "which also bolsters the strength
4 of LVB's remaining claims."

5 **A. Status of Declaratory Judgment Ruling on Self Settled Assets**

6 The Trustee agrees with what LVB has stated in its response to the motion for
7 reconsideration. To the extent the Court has declared specific assets are subject to execution by
8 the judgment creditors of Sharon Graham Bingham, it is not necessary for the Court to enter a final
9 judgment. Those assets have already been subjected to a writ of execution and are in the
10 possession of the King County Sheriff and scheduled for sale. That sale may not proceed if the
11 Court grants the motion for reconsideration.

12 **B. Trial Readiness**

13 As Plaintiff observes, the Trust has little to no money and liquidity is scarce. It has been
14 required to resort to financing to continue to partially fund its defense obligations and it has had
15 some difficulty meeting LVB's discovery demands relating to nearly a decade of transactions and
16 communications involving the Trust. It believes it has now met all those obligations but for the
17 production of recent email communications involving the Trustee ordered by the Magistrate
18 yesterday. The Trust may not be able to meet the requirement of producing those email
19 communications by next Monday but it is trying to do so.

20 In light of the discovery rulings by the Magistrate yesterday, the defendants similarly
21 need additional time to comply and may not be able to fully comply with that discovery order with
22 respect to email communications. Defendants do anticipate, however, that responses can be done
23 in time to retain the current trial schedule.

24
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extension rather than simply responding to Plaintiff's three-page position they have had for two days continues
their pattern of delay and burden for its own sake.

1 Only yesterday on January 9, 2019 did the defendants receive the responses to discovery
2 from LVB compelled by two of this Court's orders. LVB's response includes 675,802 pages of
3 documents in a digital form that were subject to password protection. The password was provided
4 yesterday evening at 6:05 p.m. enabling Defendants access to those records for the first time. The
5 Trustee and other defendants need time to assess those materials. And LVB despite several
6 request still has not provided dates for the Fed.R.Civ.P. 30(b)(6) deposition compelled by the
7 Court. None of the defendants to date have received the expert report reportedly served on
8 January 7, 2018.

9 **C. Bifurcation**

10 The cost and expense of bifurcating the trial in this case is substantial. Discovery is
11 almost closed. It is now time to try this case. Defendants assert there would be a duplication of
12 testimony and evidence. Central to all but a handful of LVB's claims are two questions (1)
13 whether some or all of the assets in the Sharon Graham Bingham 2007 trust are exempt from
14 LVB's execution efforts and (2) the relative priority and rights of the judgment obtained by LVB
15 as compared to the priority and rights of the two judgments assigned to the Trust. The Court
16 previously asked for briefing on this issue and it was provided. If a summary judgment motion is
17 still required, Defendants intend to file one on the relative priority of these judgments.

18 Moreover, the Trustee intends to move for summary judgment on the issue of whether
19 Sharon Graham Bingham so controls the Trustee as to have equivalency of ownership over the
20 Trust's assets. While that might normally be subject to issues of fact, the facts present here are so
21 compellingly in Defendants favor that summary judgment should be granted.

22 Defendants similarly intend to move to dismiss the fraudulent transfer claims from the
23 Trust to third parties based on the extinguishment statutes in the Uniform Voidable Transactions
24 Act (UVTA), lack of evidence to sustain a UVTA violation, and other substantive issues involving
25 UVTA. Just as the Court concluded in connection with LVB's so called "self-settled assets"
26 summary judgment, the Trust does not gain new liability to become a judgment debtor to LVB in

1 the proceedings under LVB's First Cause of Action comprised of various declaratory requests.
2 The issue under the First Cause of Action is the relative rights of LVB as against assets titled in the
3 Trust, not new liability imposed against the Trust by LVB. As a result, the First Cause of Action
4 cannot by definition result in the Trust becoming a debtor to LVB. LVB's prayer for relief does
5 not include a request for a monetary judgment outside the fraudulent transfer claims alleged in its
6 Second Cause of Action. Dkt. 82 p. 46. In short, since LVB is not a creditor of the Trust, the
7 fraudulent transfer claims against the various defendants seeking to avoid transfers from the Trust,
8 fail as a matter of law.

9 LVB has acted in discovery as if it is pursuing an alter ego claim leading to disregard of
10 the Trust and thus rendering it newly liable to LVB on a money judgment, but those claims for
11 disregard of the Trust on an alter ego theory are outside the subject matter jurisdiction of the
12 current supplemental proceeding.

13 Thus, the length of trial turns largely on the outcome of those SJ Motion and whether
14 the Court is going to examine hundreds if not thousands of transactions involving the Trust's
15 investments and the Trust's compensation to Henry Dean on the issue of whether Sharon Graham
16 Bingham so controls the Trust that she holds the equivalency of ownership over the Trust's assets.
17 If it does so, Defendants agree with Plaintiff that the trial will consume four weeks. Defendants
18 submit, however, that the allegedly voidable transfers from the Trust to third parties and what LVB
19 claims is "misuse" or "abuse" of the Trust as evidenced by Henry Dean's compensation and
20 investment decisions are not relevant to Sharon's control and equivalency of ownership or to any
21 other issues within the Court's subject matter jurisdiction and LVB's First Cause of Action.

22 The Defendants are otherwise prepared to proceed to trial on the defenses and claims in
23 their pleadings and prior motion.

24 **D. ADR**

25 Defendants did have a settlement discussion today with Plaintiff and have suggested
26 mediation. Defendants believe that mediation after the Court resolves the issues pending on

1 reconsideration relative to the so called self-settled assets and the two Fisher Trusts and their
2 Trustee, Bank of the West may be productive.

3 DATED: January 10, 2019

4 *s/ William R. Squires III*

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20 *Attorneys for Defendants Henry Dean in his*
21 *individual capacity, and BGH Holdings, LLC*
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CERTIFICATE OF SERVICE

I hereby certify that on January 10, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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EXHIBIT A

Deposition of Henry Dean (AWAITING CONFIDENTIAL DESIGNATIONS)

LVB-Ogden Marketing, LLC v. Bingham, et al.

December 14, 2018



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IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LVB-OGDEN MARKETING, LLC,)
)
Plaintiff,)
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vs.) No. 2:18-CV-00243-TSZ
)
DAVID S. BINGHAM, SHARON)
BINGHAM, CHRISTOPHER)
BINGHAM, CHERISH BINGHAM,)
KELLY BINGHAM, BINGO)
INVESTMENTS, LLC, CCRB)
ENTERPRISES, LLC, SKBB)
ENTERPRISES, LLC, PARK)
PLACE MOTORS, LTD., HyTech)
POWER, INC., HENRY DEAN, in)
his individual capacity and)
as Trustee for the SHARON)
GRAHAM BINGHAM 2007 TRUST,)
and BGH HOLDINGS, LLC,)
)
Defendants.)

VIDEOTAPED DEPOSITION UPON ORAL EXAMINATION
OF
HENRY DEAN *AWAITING CONFIDENTIAL DESIGNATIONS*

Taken at 1001 Fourth Avenue, Suite 3900
Seattle, Washington

DATE TAKEN: December 14, 2018
REPORTED BY: Diane Rugh, CRR, RMR, CRR No. 2399

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13 THE VIDEOGRAPHER: Brook Young, Buell Realtime Reporting
14

15 ALSO PRESENT: David Bingham
16
17

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1 A. Correct.

2 Q. From approximately the summer of 2018 to today,
3 is it your testimony you receive no money from the trust
4 as a salary?

5 A. I can't give you the exact date. You could even
6 say September if you wanted to make your math a little
7 easier. Somewhere in that time.

8 Q. That's true.

9 But from August/September of 2018, you've not
10 received any money from the trust?

11 A. The trust has no money.

12 Q. So in your capacity as the trustee of the trust,
13 if I have this correct, for essentially the last eight
14 years, you've received about \$12,000 a month; is that
15 right?

16 A. Correct.

17 Q. In addition to that, you had an agreement with
18 the Bingham, Mr. Bingham, that you'd receive also
19 20 percent of whatever you recover from the family, and
20 that agreement has been also in place from 2010; is that
21 right?

22 MR. HENRIE: Object to the form.

23 THE WITNESS: Yes.

24 Q. (BY MS. TSOUMAS) And none of these agreements
25 we've spoken about are in writing; is that right?

1 out of for the family. That would be great. If
2 somebody doesn't bite on it it's zero, because there's
3 nothing else in Plasma Drive.

4 Q. (BY MS. TSOUHAS) If you had to submit a
5 verified asset valuation accounting to the Court today,
6 what number would you --

7 A. Exactly what I just said to you.

8 MR. MCGLOTHLIN: Objection to the form.

9 Q. (BY MS. TSOUHAS) So a million dollars with the
10 caveats that you just walked through?

11 A. Yes.

12 MR. JOHNSTON: Objection; argumentative.

13 Q. (BY MS. TSOUHAS) Similarly, Mr. Dean, did you
14 receive investor updates for Plasma Drive?

15 A. There are none.

16 Q. Have there ever been since the investment?

17 A. Years ago.

18 Q. Do you have any of those?

19 A. No.

20 Q. HyTech Power, Line 10 of Exhibit 8, reflects
21 644,306 shares with an estimated value of \$1.28 million.

22 Do you see that?

23 A. I do.

24 Q. What would you estimate the trust's investment

25 in what's now HyTech Power, Inc., HTP, now known as HTP,

1 what the value of those shares would be today?
2 A. That was the last stated value we had. There
3 was option price assigned by people smarter than me and
4 adopted by our board. And I believe it and I believe it
5 for this number. Unfortunately, as things go in this
6 world we live in, hopes and expectations sometimes get
7 trashed, because we had a board meeting several days
8 ago, and we've run out of money. And we let go
9 two-thirds of the employees and went onto an austerity
10 budget with the hopes that we can find more investors.
11 We still believe in the technology, but Mr. Clark is not
12 going to put in -- he put in 5.8 million and it's gone.
13 He's done.

14 So I can't tell you the value of that stock. If
15 I had to verify it today, very questionable. And very
16 disappointing to me after so many years of my life
17 working on that technology.

18 Q. And today, does HTP provide investor updates to
19 its investors?

20 A. No. We're going to have to. This came as quite
21 a shock.

22 Q. So is your best testimony, sitting here today,
23 is it would be hard for you to ascribe a value to it
24 because of the uncertainty of the investment?

25 A. Correct.

1 reference, it was previously marked as Elali 12, but so
2 you'd have a copy we remarked it.

3 Mr. Dean, I'm going to be really brief, but
4 Exhibit 19 reflects Bingo QuickReport, Bingo Investments
5 QuickReport, and monies that went to you between 2010
6 and 2013. And if you look at the last page, the second
7 to last page of this Exhibit 19, you'll see there's a
8 total of \$775,000.

9 Do you see that?

10 A. I see it.

11 Q. Do you still today, Mr. Dean, have that money
12 that you received from Bingo Investments between 2010
13 and 2013?

14 A. No.

15 Q. Where did it go?

16 A. I spent it.

17 Q. All of it?

18 A. All of it.

19 Q. All right.

20 (Exhibit 20 was marked.)

21 Q. (BY MS. TSOUHAS) I'm handing Mr. Dean what's
22 been marked as Exhibit 20. And Counsel, for reference,
23 this was previously Elali 16, but I wanted to make sure
24 you had a copy.

25 So Exhibit 20, Mr. Dean, is another Bingo

1 Investments QuickReport. And this shows that in 2015
2 you received \$250,000 from Bingo Investments LLC.

3 Do you see that?

4 A. I see that.

5 Q. The same question, Mr. Dean.

6 Do you still have that money that you received
7 from Bingo Investments?

8 A. No.

9 MR. MCGLOTHIN: Objection to the form.

10 Q. (BY MS. TSOUMAS) And did you spend all of that
11 as well?

12 A. Yes. Actually, no. You have to pay taxes as
13 well.

14 Q. But you have none of the \$250,000 left?

15 A. That's correct.

16 Q. Okay. You can put that aside, Mr. Dean.

17 (Exhibit 21 was marked.)

18 Q. (BY MS. TSOUMAS) I'm now going to show you what
19 has been marked as Exhibit 21. And Exhibit 21, Counsel,
20 was previously marked as Elali 13, but again I wanted to
21 make sure you have a copy.

22 This Exhibit 21, Mr. Dean, reflects monies that
23 were transferred to you from the Sharon Graham Bingham
24 2007 Trust between 2011 and 2015. And if you look at
25 the last page of this document, Exhibit 21, the document

1 indicates that in that timeframe you received from the
2 trust \$520,000.

3 Do you see that?

4 A. I see that.

5 Q. And do you still have that money, sir?

6 A. No.

7 Q. And did you spend it all?

8 A. I spent it.

9 Q. Okay.

10 Mr. Dean, did you receive any money from the
11 Sharon Graham Bingham 2007 Trust before you were trustee
12 for the trust?

13 A. I don't believe so.

14 Q. I can show you a document, but it appears to us
15 that you did.

16 Do you know why you would have received some
17 money from the trust prior to becoming the trustee?

18 MR. MCGLOTHIN: Objection to the form.

19 Assumes facts not in evidence.

20 MR. HENRIE: Object to the form.

21 THE WITNESS: The only thing I can think of
22 would be the Noble House note. Under my 20 percent
23 arrangement and the 65,000 paid each month, I get
24 13,000. And that could have come from the trust.

25 Q. (BY MS. TSOUMAS) 13,000 a month?

1 think that one is exactly the same except for the top
2 2009 payment.

3 A. Okay.

4 Q. But you're largely right, so thank you for
5 letting me know.

6 A. On that \$50,000 transfer, that says wired to
7 Bank of America, 3408. I don't have an account with
8 Bank of America and never have had.

9 Q. Does Ms. Atherton or --

10 A. No.

11 Q. -- or did she before?

12 A. No. Never banked with Bank of America. Neither
13 one of us, ever.

14 Q. So you have no understanding of what the \$50,000
15 represents?

16 A. I think it's a mistake.

17 Q. Okay. All right, I'm marking Exhibit 23.

18 (Exhibit 23 was marked.)

19 Q. (BY MS. TSOUHAS) Exhibit 23 is an account

20 QuickReport from Sharon Graham Bingham 2007 Trust for

21 the calendar year 2017. And this reflects about

22 \$310,000 that you received from the trust.

23 Do you see that?

24 A. I do.

25 MR. MCGLOTHIN: Objection to the form.

1 Q. (BY MS. TSOUMAS) Do you have this money today,

2 Mr. Dean?

3 A. Nope.

4 Q. So since the end of 2017, you've spent the

5 \$310,000?

6 A. During and since.

7 Q. Did you use it just to pay your normal monthly
8 expenses or was there a large expenditure since that
9 time?

10 A. Is that relevant to this case? Do you really --
11 do you want to know how much I pay my grocery bill? How
12 much I pay the gardener? How much detail do you want?

13 Q. Have you had --

14 A. I pay taxes and I pay my expenses and I pay
15 alimony to an ex-wife.

16 Q. Have you had any expenses that are out of the
17 ordinary in 2017 and 2018 that would have attributed to
18 spending that \$310,000?

19 MR. HENRIE: I'm going to object to the
20 form. What does that have to do with the case?

21 Q. (BY MS. TSOUMAS) So do you have an answer to my
22 question, sir?

23 A. No, I don't have an answer for your questions
24 except that it's none of your business.

25 Q. So you're refusing to answer it?

1 A. That's my answer to you.

2 Q. Okay.

3 (Exhibit 24 was marked.)

4 Q. (BY MS. TSOUMAS) I'm handing Mr. Dean what's

5 been marked as 24. Exhibit 24 is an Account QuickReport

6 from Sharon Graham Bingham 2007 Trust reflecting

7 transfers to Mr. Dean as part of the Sound Transit

8 money, his portion of the Sound Transit money.

9 Do you see that?

10 MR. MCGLOTHIN: Objection to the form.

11 THE WITNESS: I see it.

12 Q. (BY MS. TSOUMAS) Is the \$577,000, sir, roughly
13 what you recall receiving from the transaction?

14 MR. HENRIE: Object to the form.

15 THE WITNESS: I think that's about accurate.

16 Q. (BY MS. TSOUMAS) Last time I'll ask it, I

17 think. Do you still have this money --

18 A. No.

19 Q. -- the 577? And so you spent that as well?

20 A. Yes.

21 Q. Thank you.

22 We spoke briefly, I think, about BGH Holdings
23 earlier, I believe, but what is your understanding of
24 BGH Holdings LLC?

25 A. It is an LLC formed in the State of Washington.

EXHIBIT B

Faria, Jonathan Jeffrey

From: Faria, Jonathan Jeffrey
Sent: Monday, January 7, 2019 10:18 AM
To: Scott Henrie
Cc: Tsoumas, Tammy A.
Subject: RE: [EXT] Activity in Case 2:18-cv-00243-TSZ LVB-Ogden Marketing LLC v. Bingham et al Order on Motion for Protective Order

Scott - Following up again. We have received no response from you.

Jonathan J. Faria

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jonathan.faria@kirkland.com

From: Faria, Jonathan Jeffrey <jonathan.faria@kirkland.com>
Sent: Friday, December 28, 2018 11:17 AM
To: Scott Henrie <shenrie@williamskastner.com>; mborde@williamskastner.com
Cc: Tsoumas, Tammy A. <ttsoumas@kirkland.com>
Subject: Fwd: [EXT] Activity in Case 2:18-cv-00243-TSZ LVB-Ogden Marketing LLC v. Bingham et al Order on Motion for Protective Order

Scott - Please provide the identity of HyTech's witness and his or her available dates between now and the 17th.

Jonathan J. Faria

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Begin forwarded message:

From: <ECF@wawd.uscourts.gov>
Date: December 28, 2018 at 10:17:19 AM PST
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Case Name: LVB-Ogden Marketing LLC v. Bingham et al

Case Number: [2:18-cv-00243-TSZ](#)

Filer:

Document Number: [204](#)

Docket Text:

ORDER denying Defendant Hytech Power, Inc.'s [175] Motion for Protective Order. Signed by Hon. Brian A Tsuchida. (PM)

2:18-cv-00243-TSZ Notice has been electronically mailed to:

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